



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

MAY 28 2015

GENERAL NOTICE LETTER
URGENT LEGAL MATTER
PROMPT REPLY NECESSARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Antonio Pecora
One Garvies Point LLC
506 9th Avenue
New York, NY 10011

and

Michael Bunsis
76 North Realty Co LLC
1101 Steward Avenue
Garden City, NY 11530

Re: Mattiace Petrochemical Superfund Site, Glen Cove, New York
Notice of Potential Liability and Request to Perform Remedial Investigation and
Feasibility Study Activities Pursuant to the Comprehensive Environmental Response,
Compensation, and Liability Act, 42 U.S.C. §§ 9601-9675.

Dear Messrs. Pecora and Bunsis:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675.

EPA has documented the release and threatened release of hazardous substances into the environment at the Mattiace Petrochemical Superfund Site ("Site"), located in Glen Cove, New York. The Site includes the former Mattiace facility, an inactive chemical blending and drum washing facility located on Garvies Point Road that operated from the mid-1960s until 1987. EPA added the Site to the National Priorities List on March 30, 1989. Following a remedial investigation and feasibility study ("RI/FS"), EPA selected a remedy to address contaminated soil and groundwater at the Site, which was memorialized in a Record of Decision in 1991 ("1991 ROD"). After overseeing the implementation of that remedy for many years, EPA determined that the 1991 ROD objectives for addressing the soil and groundwater at the Site would not be attained in the foreseeable future, so EPA conducted additional studies that resulted

in an amendment to that remedy in 2014.

It was during those additional investigations that, as you may recall, in 2007 you provided EPA access to your respective properties at 1 Garvies Point Road and 20-30 Garvies Point Road, to conduct vapor intrusion sampling, and in 2011-2012 you again provided TRC, the company performing the work at the Site, access to your properties to conduct groundwater and soil sampling. The results of the vapor intrusion sampling indicated that elevated concentrations of volatile organic compounds ("VOCs"), particularly cis-1,2-dichloroethene, trichloroethene, and tetrachloroethene, exist beneath the commercial building(s) on your property. The results of the subsequent groundwater and soil sampling indicate the presence of VOCs along the driveway adjacent to your properties. Figures are attached for your reference which show the groundwater concentration contours for particular contaminants. Data indicate that there may be additional sources of contamination emanating from your property.

NOTICE OF POTENTIAL LIABILITY

EPA has spent and anticipates spending additional public funds to investigate and control releases or potential releases of hazardous substances at the Site.

Under CERCLA and other laws, responsible parties may be held liable for such monies expended by, *inter alia*, the federal government in taking response actions at and around sites where hazardous substances have been released, including investigative, planning, removal, remedial, and enforcement actions. Responsible parties also may be subject to orders requiring them to take response actions themselves. Responsible parties under CERCLA include, among others, the current owner of property upon which there is a release or threatened release of hazardous substances.

By this letter, we notify you that, as an owner or operator of a facility where hazardous substances have been released or are threatened to be released, you are considered to be a potentially responsible party ("PRP") with respect to the Site, pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

This notice letter is not being provided pursuant to the special notice procedures outlined in Section 122(e) of CERCLA, 42 U.S.C. § 9622 (e), because EPA does not believe that those procedures would expedite investigation activities at the Site. As discussed below, EPA is providing you with the opportunity to volunteer to perform necessary response actions, and any such agreement would have to be memorialized in an administrative consent order. We invite you to volunteer to negotiate and execute such an order.

REQUEST TO COMPLETE ACTION

We are seeking to determine whether you will perform additional RI/FS work related to the Site under the Superfund Program. This RI/FS is necessary to determine the nature and extent of the contamination at the Site, evaluate any risks to human health and the environment posed by any releases or threatened releases from the Site, and identify and evaluate remedial alternatives.

EPA wishes to determine whether you are willing to commence negotiations related to the performance or funding of the above-referenced RI/FS. Accordingly, please advise EPA within **14 days** of receipt of this letter whether your client would be willing to enter into negotiations with EPA concerning performing the RI/FS with EPA oversight or, in the alternative, funding EPA's performance of the RI/FS. As mentioned above, any agreement by you to perform or fund the RI/FS would need to be memorialized in an administrative consent order issued by EPA under CERCLA. Your response may be by telephone, e-mail, or letter and should be directed to:

Lauren Charney
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, NY 10007-1866
charney.lauren@epa.gov
212-637-3181

with a copy to:

Salvatore Badalamenti
Chief, Eastern New York Remediation Section
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 20th Floor
New York, NY 10007-1866
badalamenti.salvatore@epa.gov
212-637-3314

If you decline and EPA performs the work itself, you may be liable under Section 107(a) of CERCLA for EPA's costs incurred. Should you not volunteer to perform or fund the work, EPA also may unilaterally require you to perform the work pursuant to an order issued under Section 106(a) of CERCLA.


Please give the matter addressed in this letter your immediate attention. If you have any legal questions or would like to discuss this matter with EPA, please contact Ms. Charney. Should you have any technical questions regarding the Site, please direct them Mr. Badalamenti.

Sincerely yours,



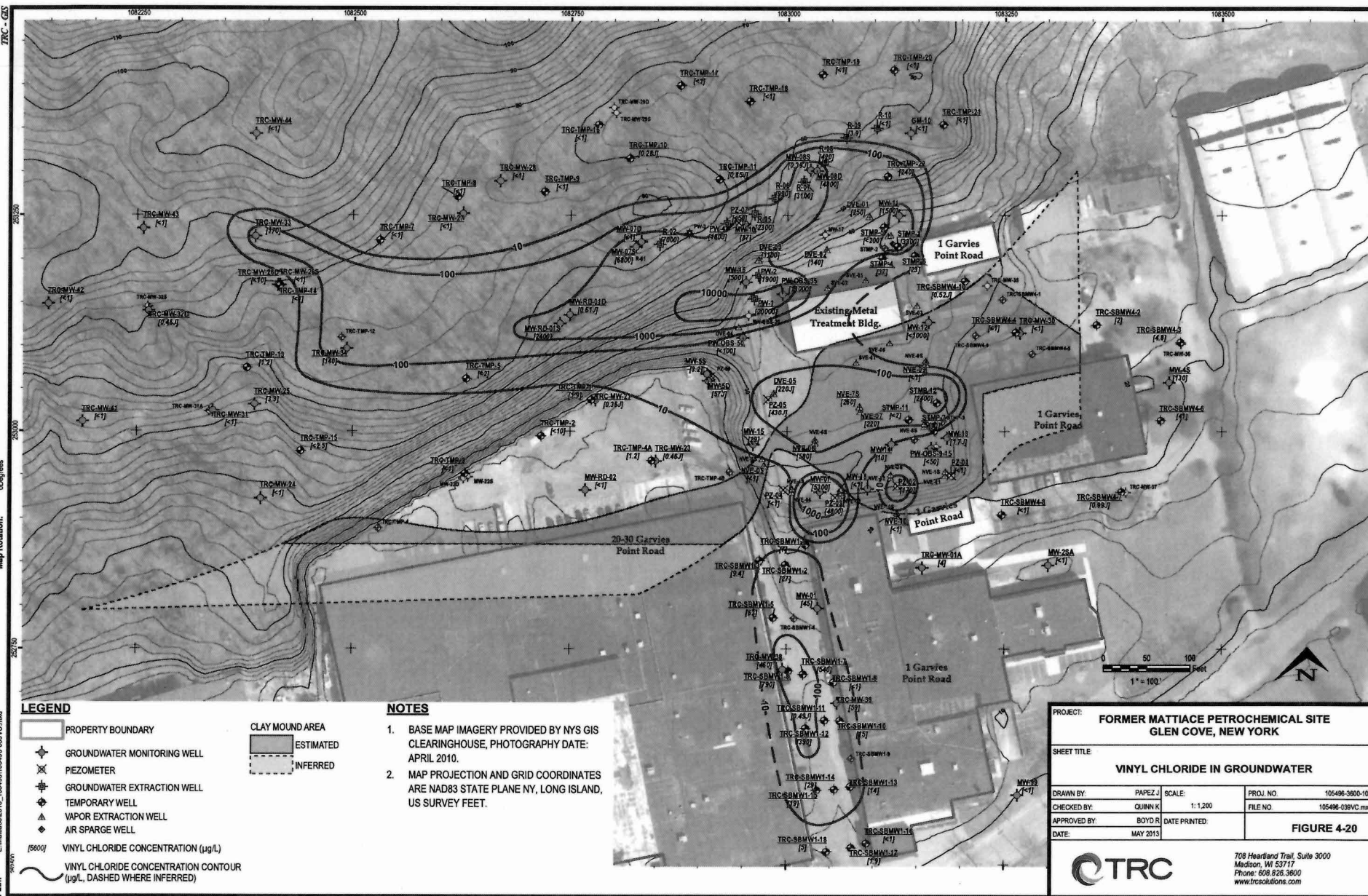
Nicoletta DiForte, Deputy Director
Emergency and Remedial Response Division

cc: Ashley Similo, EPA-ERRD
Sal Badalamenti, EPA-ERRD
Lauren Charney, EPA-ORC


Michael J. Deane, Deputy Director
Office of Environmental Response Division

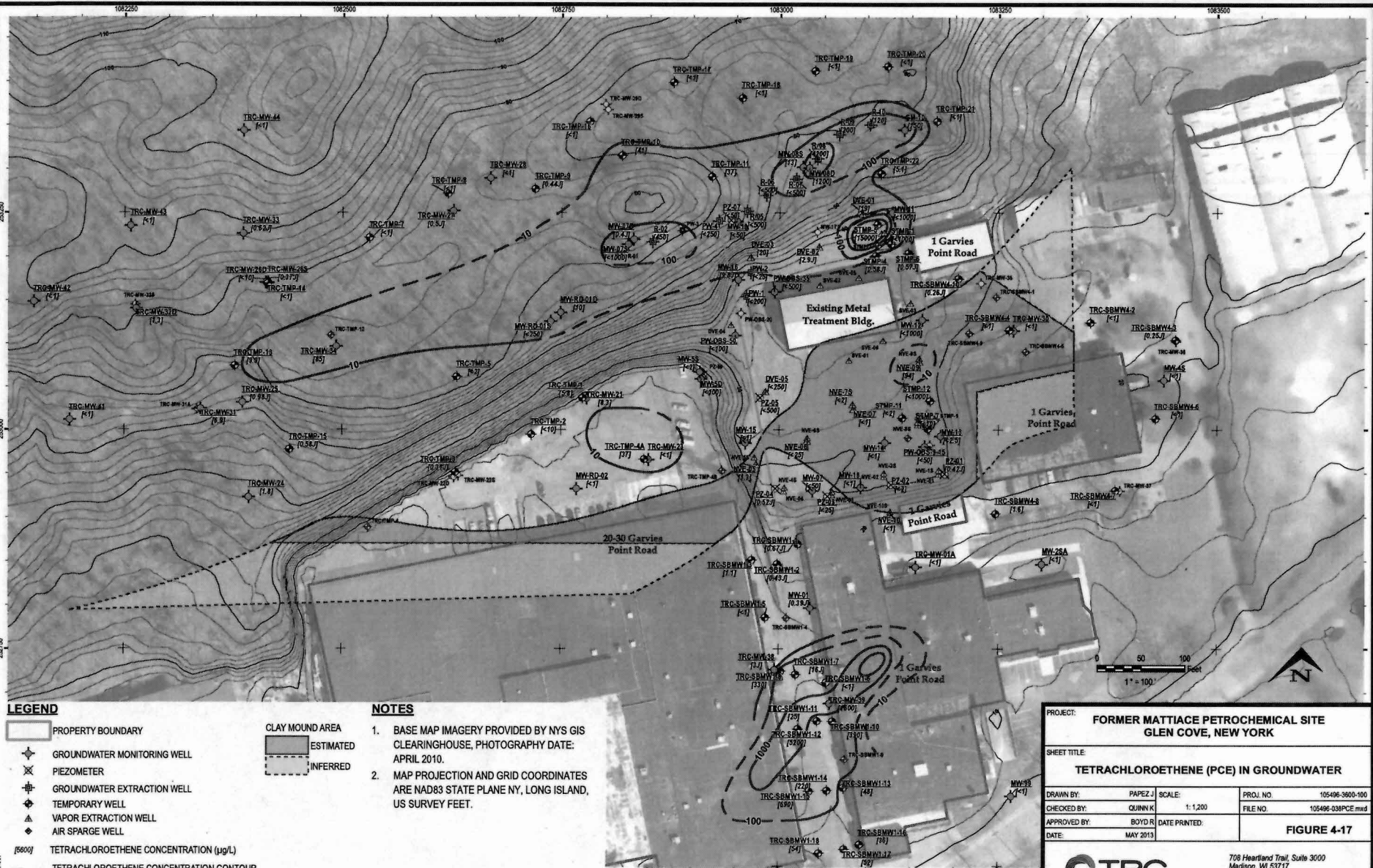
Coordinate System: NAD 1983 StatePlane New York Long Island FIPS 3104 Feet (Foot US)
Map Rotation: 0 degrees

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Coordinate System: NAD 1983 StatePlane New York Long Island FIPS 3104 Feet (Foot Us)
Map Rotation: Degrees

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LEGEND

- PROPERTY BOUNDARY
- GROUNDWATER MONITORING WELL
- PIEZOMETER
- GROUNDWATER EXTRACTION WELL
- TEMPORARY WELL
- VAPOR EXTRACTION WELL
- AIR SPARGE WELL
- TETRACHLOROETHENE CONCENTRATION ($\mu\text{g/L}$)
- TETRACHLOROETHENE CONCENTRATION CONTOUR ($\mu\text{g/L}$, DASHED WHERE INFERRED)

- CLAY MOUND AREA
- ESTIMATED
- INFERRED

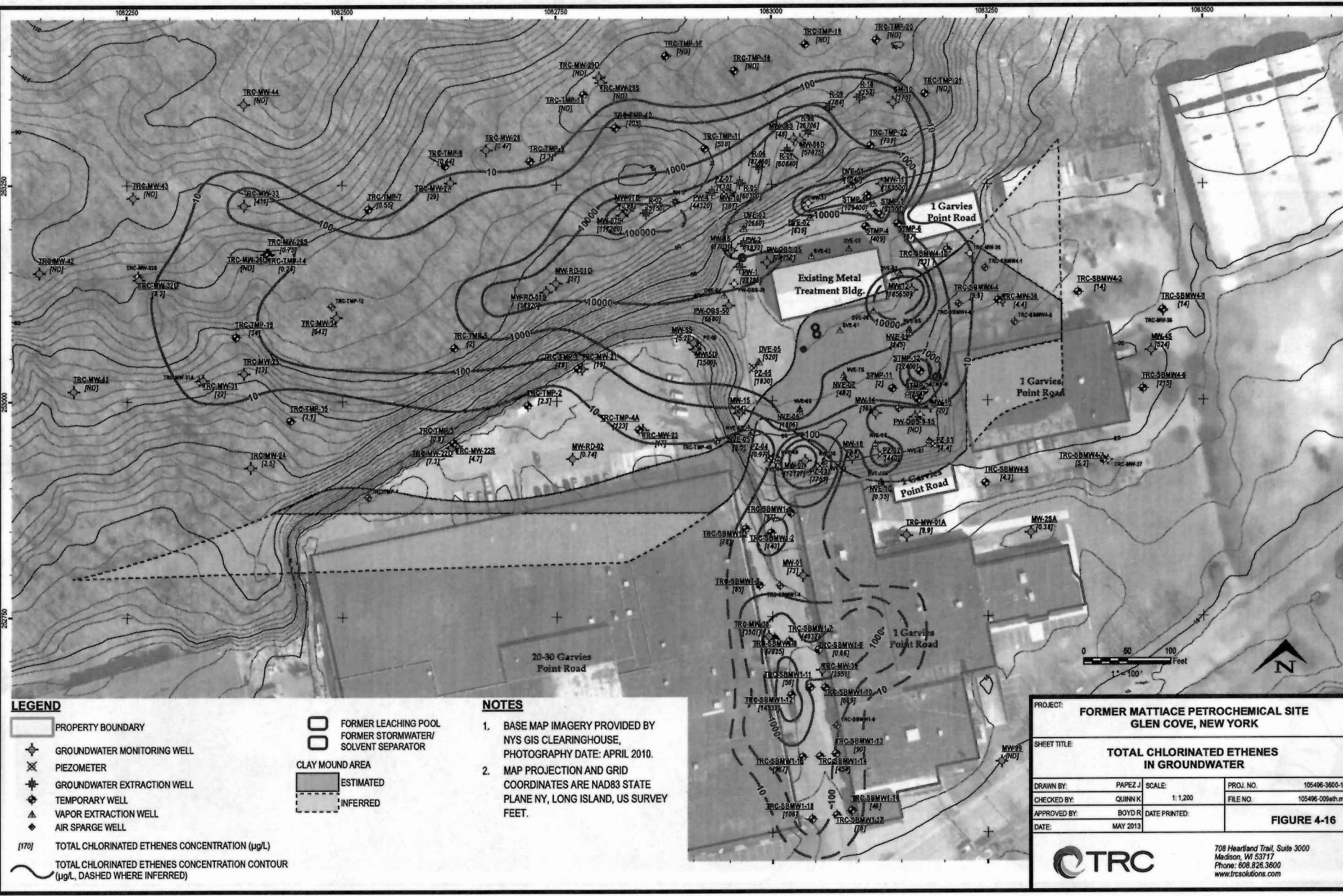
NOTES

1. BASE MAP IMAGERY PROVIDED BY NYS GIS CLEARINGHOUSE, PHOTOGRAPHY DATE: APRIL 2010.
2. MAP PROJECTION AND GRID COORDINATES ARE NAD83 STATE PLANE NY, LONG ISLAND, US SURVEY FEET.

PROJECT: FORMER MATTIACE PETROCHEMICAL SITE GLEN COVE, NEW YORK			
SHEET TITLE: TETRACHLOROETHENE (PCE) IN GROUNDWATER			
DRAWN BY: JPAZ	SCALE: 1:1,200	PROJ. NO: 105496-3600-100	
CHECKED BY: QUINN K		FILE NO: 105496-038PCE.mxd	
APPROVED BY: BOYD R	DATE PRINTED:	FIGURE 4-17	
DATE: MAY 2013			

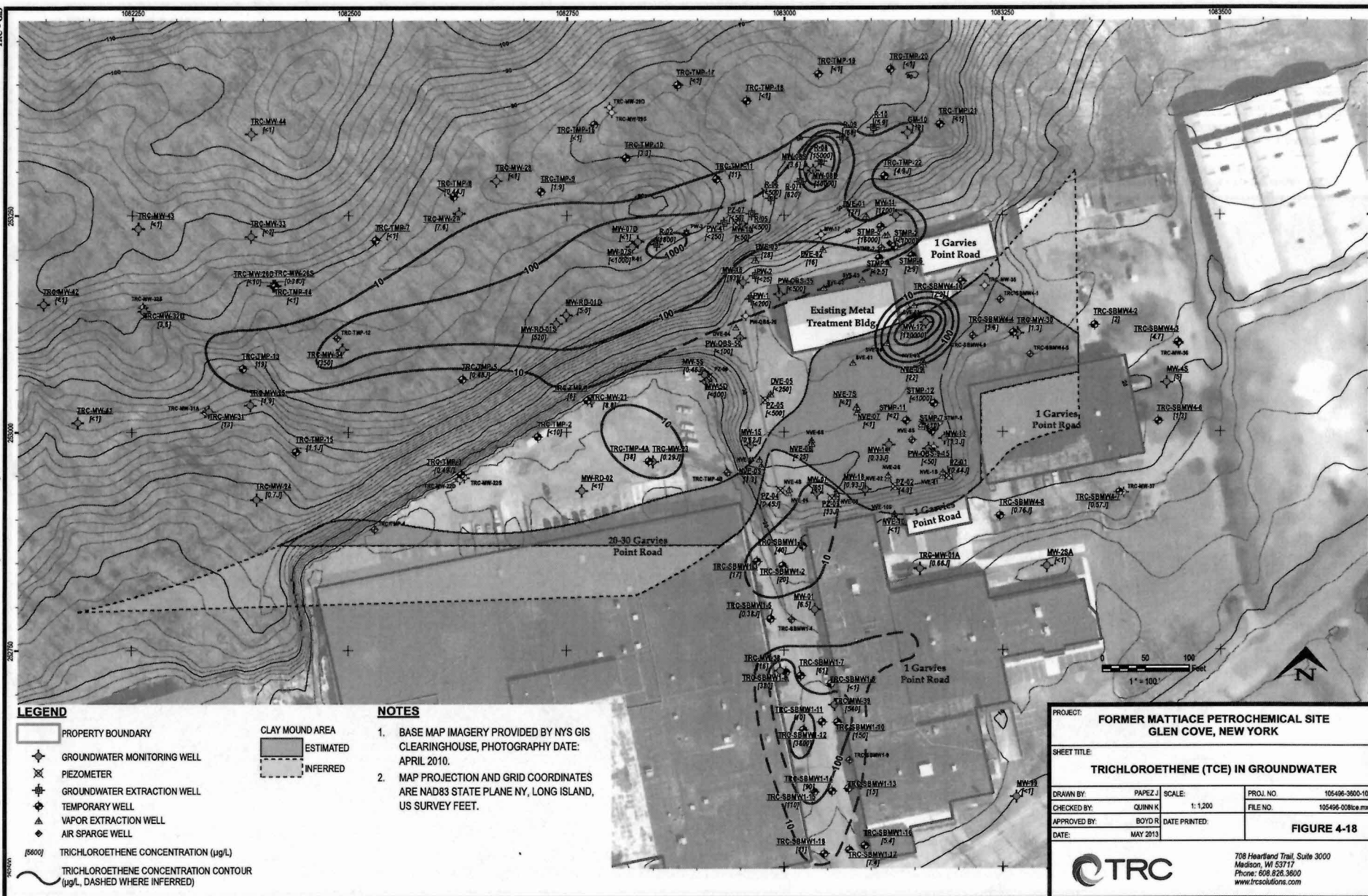


708 Highland Trail, Suite 3000
Madison, WI 53717
Phone: 608.626.3600
www.trcsolutions.com



Coordinate System: NAD 1983 StatePlane New York Long Island FIPS 3104 Feet (Foot US)
Map Rotation: 0 degrees

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Coordinate System: NAD 1983 StatePlane New York Long Island FIPS 3104 Feet (Foot US)
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